

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

ELECTRONIC CASE FILING (ECF)

ADMINISTRATIVE PROCEDURES MANUAL



***Administrative Procedures for Filing, Signing, Maintaining, Verifying, and
Serving Pleadings and Papers in the ECF System***

Exhibit to General Order # 02-2

December 2009

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ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

1. **Cases.** The Electronic Case Filing System (hereafter “ECF”) is operational for all types of cases and filings, including all chapters of the Bankruptcy Code, Adversary Proceedings, Proofs of Claim, and Reaffirmation Agreements.
2. **Mandatory ECF.** Unless otherwise ordered by the Court, ECF is mandatory for all attorneys, trustees, registered creditors, and registered professional persons, and for all creditors not represented by an attorney who file more than 25 proofs of claim in any 12-month period. Exceptions to this requirement are set forth in Section III of this Manual and in Fourth Amended General Order 03-1, which is appended to this Manual.

B. Eligibility

1. **Requirements.** In order to be eligible for an ECF login, the following requirements must be satisfied:
 - a. **Attorney:** The attorney must either (1) be registered as an ECF practitioner in the United States District Court for the Northern District of Ohio or another federal court, or (2) have read the Electronic Case Filing (ECF) Administrative Procedures Manual located on the Electronic Case Filing menu of the Court’s web page at www.ohnb.uscourts.gov, or (3) receive ECF training provided by this Court.

Pursuant to Local Rule 2090-1, an attorney who is not a member in good standing of the Bar of the United States District Court for the Northern District of Ohio, but is a member in good standing of the Bar of any court of the United States or of the highest court of any state may, upon written or oral motion, be permitted to appear and participate in a case or proceeding.
 - b. **Trustee:** A Chapter 7 or Chapter 13 Trustee who is also an attorney is subject to the same requirements applicable to an attorney. Non-attorney trustees, as well as non-attorney staff of a Chapter 7 trustee or Chapter 13 trustee who are authorized to process documents electronically, are eligible for a login after receiving ECF training provided by this Court.

- c. **Claims Agent:** A claims agent (i.e., creditor) wishing to receive a login for the limited purpose of filing, transferring, assigning, and withdrawing proofs of claim and reaffirmation agreements must either be registered as an ECF participant in another United States Bankruptcy Court, with either full ECF privileges or limited use privileges to file proofs of claim or reaffirmation agreements, or must have read the Electronic Case Filing (ECF) Administrative Procedures Manual located on the Electronic Case Filing menu of the Court's web page at www.ohnb.uscourts.gov.
- d. **Professional Person:** A professional person (e.g., accountant, appraiser, auctioneer, auditor, or ombudsman) wishing to receive a login and password for the limited purpose of filing documents associated with the person's professional services must either be registered as an ECF participant in another United States Bankruptcy Court or must have read the Electronic Case Filing (ECF) Administrative Procedures Manual located on the Electronic Case Filing menu of the Court's web page at www.ohnb.uscourts.gov.
2. **Training Prerequisites.** Prior to participating in ECF training, external users are required to possess basic personal computer skills, including a working knowledge of the Internet, browser usage, email usage, and scanning.
3. **Non-Attorney Law Office Staff.** Law office staff who are not attorneys are not eligible for a separate login or password, although such staff may attend ECF training.

C. **Registration**

1. **Completion of Forms.** Any eligible person wishing to receive a login shall complete the applicable registration form. Registration forms are located on the Electronic Case Filing menu of the Court's web page at www.ohnb.uscourts.gov.
 - a. **Attorney:** Complete the "Attorney Registration Form and User Agreement." An attorney whose practice volume may justify issuance of a second login may request one by submitting the "Attorney Registration Form and User Agreement – Second Login."
 - b. **Chapter 7 Trustee (including office staff):** Complete the "Attorney Registration Form and User Agreement" or the "Non-Attorney Trustee Registration Form and User Agreement," whichever

is applicable. A Chapter 7 trustee who also serves as private counsel should complete only one registration form, but will receive two separate logins, one for his/her role as trustee, and one for his/her role as private counsel. Chapter 7 trustee office staff should complete a separate registration form.

- c. **Chapter 13 Trustee (including office staff):** Complete the “Attorney Registration Form and User Agreement” or the “Non-Attorney Trustee Registration Form and User Agreement,” whichever is applicable. A Chapter 13 trustee who also serves as private counsel should complete two separate registration forms and will receive two separate logins and passwords, one for his/her role as trustee, and one for his/her role as private counsel. Chapter 13 trustee office staff should complete a separate registration form.
 - d. **Claims Agent:** Complete the “Claims Agent Registration Form and User Agreement.”
 - e. **Professional Person (e.g., accountant, appraiser, auctioneer, auditor, or ombudsman):** Complete the “Professional Persons Registration Form and User Agreement.”
- 2. **Submission of Forms.** All registration forms shall be submitted by email using the option provided on the form, or faxed to (216) 615-4364, or mailed or delivered to:
Clerk’s Office
ATTN: ECF Registration
United States Bankruptcy Court
Northern District of Ohio
Howard M. Metzenbaum U.S. Court House
201 Superior Avenue
Cleveland, Ohio 44114-1235
 - 3. **Use of Registration.** A registered user shall not use his/her ECF registration to file pleadings or other documents on behalf of someone who is not a registered user. **A registered user’s ECF eligibility may be restricted or revoked for violation of this provision.**
 - 4. **Use of Password.** Any password issued for electronic filing shall be used only by the registered user to whom the password is assigned and authorized employees of that user. No registered user shall knowingly permit his/her password to be used by anyone who is not an employee of the user, and no person shall knowingly use the password of a registered user unless such person is so authorized. **A registered user’s ECF eligibility may be restricted or revoked for violation of this provision.**

5. **Change of Password.** Immediately after receiving a court-assigned login and password, a user shall change the assigned password. For security purposes, subsequent changes in the user's password should be made at regular intervals. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and selecting "More user information." In the event that a registered user believes that the security of an existing password has been compromised, or if the user's password has been forgotten, the user shall provide immediate notice either by calling the IT Help Desk at 330-458-2434 or by sending an email to karen_pickenstein@ohnb.uscourts.gov.
6. **Registration and Change of Email Address and Contact Information.**
 - a. **Email Address:** Immediately after receiving a court-assigned login and password, a user shall register his/her email account. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and selecting "Email information." The same process is to be used for changing an email address. In addition, registered users who change their email address should notify the Court by sending an email message with the new email address to bill_kurtz@ohnb.uscourts.gov. The Court will deactivate the ECF account of any attorney who has not registered his or her email address as provided herein.
 - b. **Contact Information:** Users are required to maintain up-to-date information regarding their address and phone number. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and revising the appropriate fields.
7. **Withdrawal.**

Once registered, a user may withdraw from participation in the System by providing the Clerk with written notice of such withdrawal. Upon receipt of written notice, the Clerk will immediately cancel the user's login and will delete the user from any applicable electronic service list. However, this does not authorize an attorney to withdraw as the attorney of record for his/her client.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. **Requirements.** All petitions, motions, memoranda of law, or other pleadings and documents to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System.
2. **Exceptions.** Exceptions to the electronic case filing requirements are set forth in Fifth Amended General Order 03-1, which is appended to this Manual. Any attorney wishing to file a new petition or other document on paper, under circumstances that are not governed by one of the stated exceptions, shall initially file a motion for leave to file on paper. The motion may be filed either on paper or electronically. The petition or other document for which the attorney is requesting leave to file on paper may be submitted with the motion.
3. **Documents.** Except as otherwise provided, all documents that form part of a pleading, including pleading exhibits and attachments capable of electronic imaging and filing, and that are being filed at the same time and by the same party, must be electronically filed together under one docket number, *e.g.*, the motion and the supporting affidavit, with the exception of a memorandum of law. A memorandum of law shall be filed separately and shown as a related document to the motion.
4. **Official Form 1, Exhibit D.** When filing Exhibit D to Official Form 1 (Voluntary Petition), the certificate from the credit counseling agency and any debt repayment plan should be filed as separate documents, and should not be attached to Exhibit D.
5. **Creditor Matrices.** The debtor shall upload a matrix including all creditors and parties in interest with the petition. It shall be the responsibility of the debtor, or debtor's counsel, to verify that all scheduled creditors and related parties are included within any electronic or paper matrix and also that the matrix format is compatible with automated equipment used by the Court. By uploading a matrix, the debtor or debtor's counsel certifies that the matrix is complete and accurate. The filing of amended schedules requires the uploading of an amended matrix with the names of the added creditors.
6. **Emergency Pleadings.** Emergency motions, complaints for temporary restraining orders, supporting pleadings and objections thereto may be filed electronically but the filer must contact the judge's law clerk, secretary, or courtroom deputy to advise one of them of the filing by phone simultaneously with the transmission.

7. **Notice of Filing.** Whenever a pleading or other paper is filed electronically, a “Notice of Electronic Filing” will be automatically generated by the ECF system at the time of docketing, and will be sent by email to the party filing the pleading or other paper as well as to all other parties to the case who appear on the Electronic Mail Notice List in the ECF system.
8. **Access to Documents.** Each registered user is permitted to view documents filed in a case in which the user is a party without charge on a one-time basis.
9. **Incorrect Venue.** If a case is filed in the wrong office, either electronically or over the counter, the attorney will be required to file a motion and proposed order to transfer the case to the proper office.
10. **Closed Case.** In order to file a document in a closed case, it is first necessary to file a motion to reopen the case and pay the applicable filing fee. Pleadings requiring further administration that are docketed to a closed case will not be processed without reopening the case. Users who inadvertently docket pleadings to a closed case are responsible for advising necessary parties of the errors.

B. **Signatures**

1. **Signature of Registered User.** Except as provided below, the signature of a registered user on a document filed electronically is indicated as /s/name. All documents bearing the handwritten signature of the user, or the handwritten signature of any signer on whose behalf the user files such documents, shall be maintained by the user for a period of one year following the closing of the case. Filing a PDF document is required unless otherwise authorized, but accessing the ECF system and creating an entry on the docket in lieu of a PDF document filing, such as Trustee's Report of No Distribution, shall be deemed to be a document containing the signature of the attorney or other user whose login was utilized to access ECF.
2. **Signature of Debtor.**
 - a. Any document requiring the debtor's signature shall first be signed by the debtor, followed by the electronic submission of a copy of the document with the debtor's signature indicated as /s/name.
 - b. Except as otherwise provided, whenever the initial document requiring the debtor's signature is electronically filed in a case, it must be followed by the filing with the Clerk of the signature declaration form (Declaration re: Electronic Filing of Documents and

Statement of Social Security Number), a copy of which is appended to this Manual. The purpose of the filing of the signature declaration form is to assure that the debtor's handwritten signature and Social Security number are on file with the Court. As such, this requirement applies only to the initial document filed in the case requiring the debtor's signature, which is ordinarily the petition. It does not apply to other documents filed with or after the initial document, such as the statement of financial affairs. It is expected that the mailing of the signature declaration form will occur on the same day the electronic filing is submitted to the Court. If the signed form is not received by the Clerk within seven days of the electronic filing, the case will automatically be scheduled for a show cause hearing as soon as practicable allowing for compliance with applicable noticing requirements.

3. **Signatures on Reaffirmation Agreements.** The debtor's handwritten signature is required on a reaffirmation agreement or a proposed reaffirmation agreement, even if the signature declaration form (Declaration re: Electronic Filing of Documents and Statement of Social Security Number) has been signed by the debtor and submitted to the Court. After the debtor's handwritten signature has been affixed to a reaffirmation agreement or a proposed reaffirmation agreement, the agreement shall be scanned and filed electronically.
4. **Signatures on Affidavits and Declarations.** All affidavits shall be scanned and filed electronically after they have been signed by the affiant and notary and affixed with a notarial seal. All declarations shall be scanned and filed electronically after they have been signed by the declarant.

C. **Timeliness**

1. **General Rule.** Filings are considered timely if received by the Court before midnight on the date set as a deadline, unless the Judge specifically requires an earlier filing, such as close of business. Due to variations in time zones, timeliness is established based on Eastern time zone where the Northern District of Ohio is located.
2. **Inoperable Equipment.** If the Court's electronic filing equipment is inoperable at or around the deadline for filing any paper, the movant should submit as soon as practicable thereafter with the understanding that the late filing will be excused, unless an extension is prohibited by law. If the late filing is due to the movant's electronic filing equipment being inoperable, the movant should submit as soon as practicable thereafter with the understanding that the Judge may be required to determine if circumstances

justify an excused late filing. Alternatively, if either the Court's or the movant's electronic filing equipment is temporarily inoperable, the movant may submit a paper filing in any of the Court's divisional offices.

D. **Service**

1. **General Rule.** ECF registered users consent to receiving electronic service of papers in lieu of mail service, unless otherwise provided by law. Upon electronic filing of a document, the ECF system will generate a Notice of Electronic Filing, which will be automatically served electronically by the system on all parties who appear on the current Electronic Mail Notice List within that case. This notification will advise the parties of the filing of the document, but the parties will be required to access the ECF system to read the actual document that was filed.
2. **Non-Electronic Service.** Service on parties who do not appear on the current Electronic Mail Notice List within a case, service of any paper not capable of imaging, and service of any document set forth in section III A must be made non-electronically. Proof of service may be made electronically.
3. **Trustees.** Trustees will be made aware of a new case filed electronically by email issued by the Court on an individual case basis.

E. **Fees**

1. **On-Line Payment of Fees.** All ECF transactions that require a payment shall be paid on-line through the pay.gov program on the same day that the transaction is docketed.
2. **Installment Fees.** Payment of filing fees in installments is permitted as provided by Fed. R. Bankr. P. 1006(b)(1).
3. **EPA Fee Schedule.** Except as otherwise provided, all registered users of the System shall be subject to the fees set forth in the Fee Schedule for Electronic Public Access (EPA Fee Schedule), adopted by the Judicial Conference of the United States. Notwithstanding the above, attorneys of record and parties in a case receive one free copy of all filed documents, if receipt is required by law or directed by the filer. Moreover, trustees are exempt from the fees for viewing documents while acting in their capacity as trustees.

F. **Orders**

1. **Submission.** Proposed orders shall be individually submitted according to the order submission procedures adopted by each Judge, which can be found on the Judges' Information menu of the Court's website at www.ohnb.uscourts.gov.

G. **Docket Entries**

1. **Submission.** Electronic submission of a pleading or other document constitutes an entry on the docket, and requires the filer to perform whatever procedures are necessary to accomplish the docket event utilizing a pre-approved index of acceptable events contained in the ECF system.
2. **Entry of Order or Judgment.** The Clerk shall enter all orders and judgments in the ECF system, which shall constitute docketing of the order or judgment for all purposes. The Clerk's notation in the appropriate docket of an order or judgment shall constitute the entry of the order or judgment.
3. **Erroneous Entry.** In the event of an incorrect docket entry or an entry on a wrong docket, the Clerk's Office may make a docket entry regarding the needed corrective action. This docket entry will be automatically emailed to the filer, and will require the filer to re-docket the entry correctly. The Clerk's Office may add the text "Entered on docket in error" to the erroneous entry as needed. An incorrect docket entry will remain on the docket, unless the Court orders deletion of the docket entry.

III. **FILING DOCUMENTS ON PAPER**

A. **Paper Filings**

The following documents shall be filed on paper and not electronically unless specifically authorized by the Court.

1. **Documents previously ordered sealed**

If a document previously ordered to be sealed is referenced within an electronic filing, the attorney shall submit a declaration identifying this status and indicating that the document cannot be disclosed or inspected without further order from the Court.

2. **Documents to be filed under seal**

A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed on paper. The order of the Court authorizing the filing of the document(s) under seal shall be entered electronically by the Court and shall indicate that the motion to file documents under seal has been granted. A paper copy of the order

shall be attached to the document(s) under seal and be delivered to the Clerk's Office.

3. **The signature declaration form (Declaration re: Electronic Filing of Documents and Statement of Social Security Number), as set forth in section II B 2 of this Manual**
4. **Documents incorporating signatures from non-registered users, unless otherwise provided**
5. **Official Form 21, if filed to correct a Social Security number**
6. **Procedural Form 132, Application for Search of Bankruptcy Records**
7. **All documents filed by *pro se* parties.**

B. Format of Documents

The filing of two-sided documents and pre-punched documents is prohibited.

C. Filing of Creditor Matrix

The debtor shall submit a matrix including all creditors and parties in interest with the petition. It shall be the responsibility of the debtor, or debtor's counsel, to verify that all scheduled creditors and related parties are included within any matrix and also that the matrix format is compatible with automated equipment used by the Court. By submitting a matrix, the debtor or debtor's counsel certifies that the matrix is complete and accurate. The filing of amended schedules requires the uploading of an amended matrix with the names of the added creditors.

D. Service of Paper Filings

Pleadings or other documents that are filed on paper rather than electronically shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. **Authorized Access with PACER Account**

Any person or organization with a PACER account may access the ECF system via Web PACER. Access to the system through Web PACER will allow retrieval, on a “read only” basis, of the docket sheet and documents that have not been sealed by the Court.

B. **Public Access at the Court**

The public will have electronic access to the electronic docket and documents that have not been sealed by the Court via “read only” public terminals at each of the Court’s divisional offices for viewing during regular business hours. Registered users are expected to utilize equipment maintained within their remote locations to access information in the system and may be requested to limit time on public terminals if it is deemed to be excessive.

C. **Registered User Access at the Court**

One public terminal is available at each divisional office for docketing and scanning. These public terminals may be used by registered users on a first-come, first-served basis. Users are not permitted to use disks at these terminals; they must bring in paper and scan the paper.

D. **Purchase of Copies**

Except as provided below, copies of any paper viewable on the public terminals, including certified copies, may be purchased at any of the Court’s divisional offices upon payment of the appropriate fees, in accordance with 28 U.S.C. § 1930.

1. **Transcripts.** Pursuant to Judicial Conference policy, within 90 days following entry of a transcript on the docket, copies of the transcript may be purchased solely from the transcription firm.

E. **Security of System**

Each electronically-filed paper shall be assigned a special identification number which can be traced, if necessary, to detect post-filing alterations to the document.

ATTACHMENT A

**DECLARATION RE: ELECTRONIC FILING OF DOCUMENTS
AND STATEMENT OF SOCIAL SECURITY NUMBER**

In re:)	Case No. _____
_____)	
_____)	Chapter _____
)	
)	Judge _____
Debtor(s))	
)	DECLARATION RE: ELECTRONIC
)	FILING OF DOCUMENTS AND
)	STATEMENT OF SOCIAL SECURITY
)	NUMBER

I [We] _____ and _____, the undersigned debtor(s), ***hereby declare under penalty of perjury*** that the information I have given my attorney and the information provided in the electronically filed petition, statements, and schedules, as well as in any other documents that must contain original signatures, is true, correct, and complete. I consent to my attorney sending my petition, this declaration, statements, and schedules, and any other documents that must contain original signatures, to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be filed with the Clerk once all schedules have been filed electronically but, in no event, no later than 7 days following the date the petition or other document that must contain original signatures was electronically filed.

I am aware that I may proceed under chapter 7, 11, 12 or 13 of Title 11 of the United States Code, understand the relief available under each chapter, and choose to proceed under the chapter specified in the petition.

☐ The Social Security Number that I, the Debtor, have given to my attorney, which will be submitted to the Court as part of the electronic case opening process, is true, correct, and complete.

☐ I, the Debtor, do not have a Social Security Number.

☐ The Social Security Number that I, the Joint Debtor, have given to my attorney, which will be submitted to the Court as part of the electronic case opening process, is true, correct, and complete.

☐ I, the Joint Debtor, do not have a Social Security Number.

☐ [Check box if petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true, correct, and complete, and that I have been authorized to file the petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in the petition.

Dated: _____ Signed: _____
(Debtor) (Co-Debtor)

I declare under penalty of perjury that I have reviewed the above debtor's petition and that the information is complete and correct to the best of my knowledge. The debtor(s) will have signed this form before I submit the petition, schedules, and statements, or any other documents that must contain original signatures. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent exhibit to General Order No. 02-2. I further declare that I have examined the above debtor's petition, schedules, and statements, and any other documents that must contain original signatures, and to the best of my knowledge and belief, they are true, correct, and complete. If an individual, I further declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge. I understand that failure to file the signed original of this DECLARATION will cause this case to be dismissed.

Dated: _____

Attorney for Debtor(s)

ATTACHMENT B

GENERAL ORDER NO. 02-2

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re

PROVISIONS FOR ELECTRONIC
CASE FILING

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)

GENERAL ORDER NO. 02-2

ORDER

THE COURT FINDS that:

Federal Rules of Civil Procedure 5(e) and 83, Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029 and 9036, and Local Bankruptcy Rules 5005-2(b) and 9037-1 authorize this Court to establish practices and procedures for filing, signing, maintaining and verifying pleadings and papers by electronic means; and

A proposal for *Administrative Procedures for Filing, Signing, Maintaining, Verifying, and Serving Pleadings and Papers in the ECF System* (hereafter, Administrative Procedures Manual) has been reviewed by the Court.

NOW, THEREFORE, IT IS ORDERED that:

1. The Administrative Procedures Manual, establishing administrative procedures for filing, signing, verifying, and serving documents by electronic means in this Court, is hereby approved by the Court, and the provisions of the Administrative Procedures Manual are hereby incorporated by reference into this Order.
2. The provisions of this Order shall apply to all electronically filed cases and proceedings initiated in the United States Bankruptcy Court for the Northern District of Ohio on and after October 1, 2002.
3. Amendments to the Administrative Procedures Manual may be made from time to time in keeping with the needs of the Court, and any such modifications, after approval by the Court, shall be incorporated by reference herein.
4. For purposes of Rule 5003 of the Federal Rules of Bankruptcy Procedure, the electronic case file shall constitute the record of the bankruptcy docket of this Court.
5. The Clerk of this Court shall prepare a notice of the entry of this Order to be published in the various legal news publications functioning in the counties served by this Court. The Clerk shall further cause the notice and the Administrative Procedures Manual to be distributed at the Clerk's divisional offices in Akron, Canton, Cleveland, Toledo and Youngstown, and shall post this General Order and the Administrative Procedures Manual on the Court's Internet site.

Dated: September 6, 2002

/s/ William T. Bodoh

William T. Bodoh

Chief United States Bankruptcy Judge

/s/ Pat E. Morgenstern-Clarren

Pat E. Morgenstern-Clarren

United States Bankruptcy Judge

/s/ Richard L. Speer

Richard L. Speer

United States Bankruptcy Judge

/s/ Russ Kendig

Russ Kendig

United States Bankruptcy Judge

/s/ Randolph Baxter

Randolph Baxter

United States Bankruptcy Judge

/s/ Mary Ann Whipple

Mary Ann Whipple

United States Bankruptcy Judge

/s/ Marilyn Shea-Stonum

Marilyn Shea-Stonum

United States Bankruptcy Judge

ATTACHMENT C

FIFTH AMENDED GENERAL ORDER NO. 03-1

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re

PROVISIONS FOR MANDATORY
ELECTRONIC CASE FILING

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FIFTH AMENDED GENERAL
ORDER NO. 03-1

ORDER

THE COURT FINDS that:

Federal Rules of Civil Procedure 5(e) and 83, Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029 and 9036, and Local Bankruptcy Rules 5005-2(b) and 9037-1 authorize this Court to establish practices and procedures for filing, signing, maintaining and verifying pleadings and documents by electronic means; and

On September 6, 2002, by General Order 02-2, the Court established and published such procedures in the Electronic Case Filing Administrative Procedures Manual, and reserved the authority to modify such procedures from time to time in keeping with the needs of the Court; and

On May 21, 2003, by General Order 03-1, the Court set a January 1, 2004, date for requiring that all pleadings and other papers in all cases and proceedings be filed electronically, with certain exceptions.

NOW, THEREFORE, IT IS ORDERED that Fourth Amended General Order 03-1 is further amended to read as follows:

1. Except as provided in paragraph 2, below, the Court adopts mandatory Electronic Case Filing, as follows:
 - a. All pleadings and other documents filed by attorneys in all cases and proceedings shall be filed electronically according to the procedures established by the Court.
 - b. All documents filed by other registered Electronic Case Filing users shall be filed electronically according to the procedures established by the Court.
 - c. All creditors not represented by an attorney who file more than 25 proofs of claim in any 12-month period shall file the proofs of claim – as well as all transfers, assignments, and withdrawals of proofs of claim – electronically according to the procedures established by the Court. When a creditor reaches this threshold, the Clerk shall notify the creditor of the requirement to file the documents electronically. The creditor shall then have thirty days in which to comply. Any paper filings of the creditor after the 30-day period are subject to rejection by the Court.

2. Mandatory Electronic Case Filing shall not apply under the following circumstances:
 - a. Except as otherwise provided in paragraph 1, above, parties without legal representation (*pro se* parties) shall file all pleadings and other documents on paper and not electronically.
 - b. If either the Court's or a registered user's electronic filing equipment is temporarily inoperable, users may file pleadings and other documents on paper, as provided in section II C of the Electronic Case Filing Administrative Procedures Manual.
 - c. A pleading or claim filed by an attorney on his or her own behalf may be filed on paper. If such attorney is a registered Electronic Case Filing user, the pleading or claim may be filed either electronically or on paper.
 - d. All creditors not represented by an attorney who file fewer than 25 proofs of claim in any 12-month period, and who are not registered Electronic Case Filing users, shall file all documents on paper.
 - e. All documents set forth in section III of the Electronic Case Filing Administrative Procedures Manual, as it may be amended from time to time, shall be filed on paper and not electronically unless specifically authorized by the Court. These documents include:
 - 1) documents previously ordered sealed
 - 2) documents to be filed under seal
 - 3) exhibits for evidentiary hearings, unless otherwise directed by the Court
 - 4) the signature declaration form (Declaration re: Electronic Filing of Documents and Statement of Social Security Number), as set forth in section II B 2 of the Electronic Case Filing Administrative Procedures Manual
 - 5) documents incorporating signatures from non-registered users, unless otherwise provided
 - 6) Official Form 21, if filed to correct a Social Security number.
 - f. Motions for leave to file a document on paper may be filed on paper or electronically.
 - g. Any document for which prior authorization to file on paper has been obtained from the Court upon motion and order for good cause shown may be filed on paper.
3. Those provisions of General Order 02-2 that are inconsistent with the provisions of this Order are hereby rescinded.

4. The Clerk of this Court shall prepare a notice of the entry of this Order to be published in the various legal news publications functioning in the counties served by this Court. The Clerk shall further cause the notice and the Electronic Case Filing Administrative Procedures Manual to be distributed at the Clerk's divisional offices in Akron, Canton, Cleveland, Toledo and Youngstown, and shall post this General Order and the Electronic Case Filing Administrative Procedures Manual on the Court's Internet site.

Dated: March 12, 2009

/s/ Marilyn Shea-Stonum
Marilyn Shea-Stonum
Chief Judge, United States Bankruptcy Court

/s/ Russ Kendig
Russ Kendig
United States Bankruptcy Judge

/s/ Richard L. Speer
Richard L. Speer
United States Bankruptcy Judge

/s/ Mary Ann Whipple
Mary Ann Whipple
United States Bankruptcy Judge

/s/ Randolph Baxter
Randolph Baxter
United States Bankruptcy Judge

/s/ Arthur I. Harris
Arthur I. Harris
United States Bankruptcy Judge

/s/ Pat E. Morgenstern-Clarren
Pat E. Morgenstern-Clarren
United States Bankruptcy Judge

/s/ Kay Woods
Kay Woods
United States Bankruptcy Judge